

Congress of the United States
House of Representatives
Washington, DC 20515

May 14, 2020

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Pai,

It has come to our attention that Charter Communications has filed a petition waiver requesting that no funding from the Rural Digital Opportunity Fund (RDOF) be allocated to census blocks in which Charter has commitments to provide broadband service in New York State as part of their 2016 merger agreement. We are concerned that if granted, this would further the digital divide in upstate New York, where census block mapping has led to pockets of communities that are both unable to access reliable broadband internet and ineligible for federal assistance.

The COVID-19 pandemic has further shed light on the disparities rural communities face when they do not have access to broadband. Our offices hear from constituents daily about the impossible task they face of trying to maintain normalcy in their day to day lives without internet. They are unable to effectively work from home, their children cannot participate in video-schooling, and they are further isolated from their families and friends. They also are unable to access important COVID-19 healthcare services, such as telemedicine, and other public health information.

Given this crisis, it seems unfathomable to support measures that would reduce the amount of federal funding that would go to communities to build out broadband infrastructure. When we learned that Charter Communications filed a petition to request that census blocks where they have commitments to build out service as part of their 2016 merger agreement be ineligible for RDOF, we became increasingly concerned about the impact that this would have on our communities that are routinely ignored. As previously stated, Census block mapping has been ineffective in measuring service levels in rural communities. We are concerned that, if granted, this waiver would exclude many communities who do not meet FCC service standards. These communities are continually left out of efforts to provide universal service, but will not fall within the 145,000 locations where Charter is obligated to provide service.

We therefore request answers to the following questions within a two-week timeframe:

1. Does the FCC have access to the exact 145,000 locations to which Charter Communications is obligated to build, and if so, are the majority of the 145,000 locations contained within the census blocks Charter Communications is seeking to exclude from RDOF Phase I?
2. Will any of the 2,127 census blocks Charter Communications is seeking to exclude become wholly “served” if the obligated projects are completed by September 30, 2021?
3. If this waiver is granted, does the FCC have the ability to review the locations Charter Communications is committed to building out and exempt those from receiving RDOF funding, rather than exempting the entire census block?
4. At what stage of readiness are the current projects that Charter Communications is expected to complete by September 30, 2021 in New York?
5. In the event that Charter Communications does not meet its commitments by the September 2021 timeline, will areas that fell under their existing obligation be eligible for RDOF funding, and on what timeline can households and businesses in these areas expect to gain broadband access?
6. If the waiver is granted and Charter Communications does meet its commitments by the September 2021 timeline, could Charter’s merger commitments designed to close the digital divide potentially result in fewer unserved locations in New York gaining broadband access due to the foreclosure of RDOF Phase I funding?

We look forward to your response, and hope you will take the concerns of our constituents into consideration when determining the best course of action. If you have any questions, or desire further information, please do not hesitate to contact our offices.

Sincerely,



Antonio Delgado
Member of Congress



Elise M. Stefanik
Member of Congress